

1 Tamara Jolene Carl and Paul Joseph Perez (GUARD/P)**Case No. 04CEPR00674****Petitioner Ricky Perez (Pro Per – Maternal Grandfather – Petitioner)****Petitioner Cruz Rosenda Perez (Pro Per – Maternal Grandmother – Petitioner)****Petition for Appointment of Guardian of the Person (Prob. Code §1510)**

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 8/10/15:</u> Examiner Notes provided in open court. For the record, the correct name of the maternal grandfather/Petitioner is Ricky Perez. 1. Need notice to Tamara's paternal grandfather (not identified) per Probate Code §1511 or declaration of due diligence. 2. Paul's father, Paul Osuna, was personally served at an address on Princeton. Thereafter, notice was mailed to paternal grandparents at the same address; however, the paternal grandparents are not identified other than by last name "Osuna." The Court may require further identification of Paul's paternal grandparents.	
Cont. from 071315, 081015				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA	X		
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 9/9/15	
			Updates:	
			Recommendation:	
			File 1 – Carl & Perez	

Petitioner
Attorney

McDonald, Jackie (pro per – former Executor/Petitioner)
Kruthers, Heather H. (for Public Administrator – successor Administrator)
First Account and Report of Executrix After Removal

DOD: 08/19/06		JACKIE MCDONALD , former Executor, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
		Petitioner was removed as Executor and the Public Administrator was appointed successor Administrator on 01/22/15.		CONTINUED FROM 08/03/15 Minute Order from 08/03/15 states: Continued for proof of service as to the Public Administrator's office.	
Cont. from 051115, 080315		Account period: 08/19/06 – 01/22/15		Note: Proof of service filed 08/11/15 indicates that Notice of Hearing was sent to the Public Administrator's office on 08/07/15.	
	Aff.Sub.Wit.		Accounting: \$268,957.45	<ol style="list-style-type: none"> It does not appear that letters have issued to the Public Administrator. Need Letters from Public Administrator. Petitioner states that the remaining cash on hand at the end of the account period (\$507.25) was paid to David M. Camenson (attorney) as partial payment for preparation of this account; however, Attorneys fee's in estates is set by statute and subject to approval by the Court prior to payment. Petitioner states that she did not know that she needed court approval for payment to an attorney and requests that the Court approve this disbursement to Mr. Camenson as he assisted her in completing the accounting. 	
✓	Verified		Beginning POH: \$333,566.08		
✓	Inventory		Ending POH: \$250,507.25 (\$507.25 is cash)		
✓	PTC		Executor: waived		
✓	Not.Cred.		Attorney: not addressed (Petitioner was initially represented by Roger Krouskup; Substitution of Attorney filed 04/20/10)		
✓	Notice of Hrg		Preliminary Distribution was made to the beneficiaries as follows: Tina Mitchell: household furniture, furnishings and appliances valued at \$2,500.00 Steve Wright: household furniture, furnishings and appliances valued at \$2,500.00		
✓	Aff.Mail	w/o	The following Creditor's Claims have been filed against the estate and fully allowed, but not yet paid: DFS Services: \$2,037.40 PG&E: \$ 383.66 FIA Card Services: \$11,225.33		
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
	Letters	10/23/06			
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202	n/a			
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice	n/a			

Attorney Kruthers, Heather H. (for Public Guardian, Successor Trustee)

Probate Status Hearing Re: Filing of the Fourth Account

		PUBLIC GUARDIAN was appointed Successor Trustee on 1/30/2007.	NEEDS/PROBLEMS/COMMENTS:
		Minute Order dated 11/10/2014 from the hearing on the Third Account of Trustee set the matter for status hearing on 9/14/2015 for filing of the fourth account of the trust.	OFF CALENDAR Fourth Account Current and Report of Trustee filed 9/11/2015 is set for hearing on 10/22/2015. 1. Need fourth account of the Trust estate, or verified status report and proof of service of notice of the status hearing pursuant to Local Rule 7.5(B).
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt	X	
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 9/8/15
			Updates: 9/11/15
			Recommendation:
			File 3 – Hernandez

Age: 9	EMMA VASQUEZ , maternal great-grandmother, was appointed as guardian on 01/24/08.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 07/13/15</u> Minute Order from 07/13/15 states: The Court orders that visitation for Juan Mora be every other Saturday from 10am to 4pm and every other Sunday from 10am to 4pm, starting 07/18/15. The Court further orders that Mr. Mora administer any and all prescription medications according to the prescription if it supposed to occur when the child is with him. LATER AND OFF THE RECORD: For Clarification, the order typed above, and as stated in open court with Mr. Mora present, is for Mr. Mora to have visitation every other weekend beginning 07/18/15, on Saturday from 10am to 4pm and on Sunday from 10am to 4pm, all in the same weekend.
	JUAN MORA , father, filed a Petition for Termination of Guardianship on 07/28/14. The Petition for Termination was continued numerous times and ultimately denied on 04/27/15.	
Cont. from 061515, 071315	Minute Order from hearing on 04/27/15 set this hearing regarding status of visitation and states: The Court orders the Court Investigator to personally re-interview the father, the guardian, and the minor, with no other party present, and provide an updated report about visitation.	
Aff.Sub.Wit.		
Verified	Court Investigator Jennifer Young filed a report on 06/11/15.	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 09/09/15
		Updates:
		Recommendation:
		File 4 - Mora

Pro Per Petitioner
Pro Per Petitioner

Pulido, Salvador (Pro Per Petitioner)
Cortez, Lucia (Pro Per Petitioner)

Petition for Termination of Guardianship

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR</p> <p><i>Amended Petition For Termination</i> filed 8/20/2015 is set for hearing on 10/20/2015.</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 9/8/15
		Updates:
		Recommendation:
		File 5 – Cortez

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 8/17/15:</u> Service was defective. Upon proper service or filing of consents, the court is prepared to grant the petition.
Cont. from 061515, 072015, 081715				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail	X		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	?		
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 9/9/15	
			Updates:	
			Recommendation:	
			File 6 - Arreola	

Second Account and Report of Conservator; Petition for Allowance of Fees to Attorney for Conservator

			CHRISTINA TOLMAN , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Petition states that the conservatee is not able to complete an affidavit of voter registration and is not entitled to vote. The court has not made an order stating the conservatee is restricted from voting. In addition, the court investigator report filed on 11/6/14 indicates the conservatee is able to complete an affidavit of voter registration. The order provided disqualifies the conservatee from voting. – <i>Examiner has removed the voting disqualification from the order.</i> Note: Petition misstates that the current bond is \$357,984.80. The original bond was filed in the amount of \$38,920.00 on 11/30/12. On 5/16/13 a Surety Rider was filed increasing the bond from \$38,920.00 to \$319,064.80. Note: If the petition is granted, status hearings will be set as follows: • Wednesday, June 21, 2017 at 9:00 a.m. in Department 303, for the filing of the third account. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
			Account period: 1/1/14 – 3/31/15	
Cont. from 081015			Accounting - \$308,161.21	
	Aff.Sub.Wit.		Beginning POH - \$236,638.72	
✓	Verified		Ending POH - \$228,408.18	
	Inventory		Conservator - not addressed	
	PTC			
	Not.Cred.			
✓	Notice of Hrg		Attorney - \$3,987.50	
✓	Aff.Mail	W/	(14.5 hours @ \$275.00 for preparation of the accounting and court appearances.)	
	Aff.Pub.			
	Sp.Ntc.		Costs (filing fee) - \$435.00	
	Pers.Serv.		Current bond - \$319,064.80 (sufficient)	
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections		Petitioner prays for an Order:	
	Video Receipt		1. Approving, allowing and settling the second account and report;	
	CI Report		2. Authorizing payment of attorney fees and costs;	
✓	2620(c)		3. Order that the conservatee is not able to complete an affidavit of voter registration and is not entitled to vote.	
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 9/8/15	
			Updates:	
			Recommendation:	
			File 7 – Tolman	

(1) Verified Supplement for First Account and Report of Personal Representative and Petition for Final Distribution (treated as an amendment/supplement to the Request for Waiver of Account and Report of Personal Representative and Petition for Final Distribution)

DOD: 09/24/12		STEPHANIE N. ROMANS , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 05/04/15</u> Minute Order from 05/04/15 states: Ms. Romans represents that there has been an offer on the property; requests a continuance of 3 to 4 months. The Court directs Ms. Romans to file a written status report prior to the next hearing.
		Account period: 09/14/12 – 12/12/14	
Cont. from 092514. 101414 , 041315, 050415		Accounting - \$310,000.00 Beginning POH- \$310,000.00 Ending POH - \$52,079.74 (all cash)	
<input type="checkbox"/>	Aff.Sub.Wit.	Administrator - waived	
<input checked="" type="checkbox"/>	Verified	Attorney - n/a	
<input checked="" type="checkbox"/>	Inventory	Costs - \$2,013.50	
<input checked="" type="checkbox"/>	PTC	Administrator reimbursement - \$10,371.66 (funeral expenses) \$1,130.00 (mortgage payments)	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Richard W. Oh, Sr. - \$5,122.50 (for mortgage payments)	
<input checked="" type="checkbox"/>	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.	Petitioner states that it was initially the intent of the beneficiaries that the real property assets of the estate were to remain in the family. The parties agreed that Nicholas Oh and Jacob Oh would file disclaimers that would allow Stephanie Romans to be the sole heir of the two properties, but Nicholas and Jacob would be occupants of the properties. However, there was a verbal agreement between Petitioner, Nicholas and Jacob that if the properties were sold, then each beneficiary would receive an equal share of the proceeds. Since the properties were sold, Petitioner proposes to distribute an equal share to Nicholas and Jacob despite the disclaimers they filed.	
	Pers.Serv.		
	Conf. Screen		
	Letters	04/30/13	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
	Order	X	
	Aff. Posting	Nicholas Oh - \$8,360.52 Jacob Oh - \$8,360.52 Stephanie Romans - \$8,360.52 Richie Caleb Oh (minor)- \$8,360.52 (to be placed in a blocked account until the minor reaches age 18)	
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			1. Beneficiaries Nicholas and James Oh filed Disclaimers disclaiming their share of the estate on 05/28/13 but Petitioner is now requesting to distribute the property to them. Need clarification. Also, disclaimers pursuant to Probate Code 282 have the effect as if the person disclaiming interest had predeceased the decedent, therefore Nicholas and James' share would be distributable to their issue.
			2. Petitioner requests to be reimbursed for costs in the amount of \$2,013.50. Need itemization of these costs.
			3. Petitioner requests reimbursement for funeral expenses in the amount of \$10,371.66 and mortgage payments in the amount of \$1,130.00, however, no Creditor's Claim was filed and no itemization or further breakdown of the requested reimbursement is provided. Further, a copy of the Supplement for Final Account was not mailed to the beneficiaries which would inform them of the requested reimbursements and the amounts to be distributed. Need itemization of requested amounts.
			4. Need date of birth of minor beneficiary Richie Caleb Oh.
			5. Need revised Order.
			Reviewed by: JF
			Reviewed on: 09/09/15
			Updates:
			Recommendation:
			File 8A - Oh

DOD: 09/24/12	STEPHANIE N. ROMANS , Administrator, filed a Request for Waiver of Account and Report of Personal Representative and Petition for Final Distribution and Verified Supplement for First Account and Report of Personal Representative and Petition for Final Distribution.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 05/04/15</u>
Cont. from 011215, 050415		
Aff.Sub.Wit.	Petitioner's Accounting indicated that she planned to sell real property assets of the estate. At the hearing on the accounting on 01/12/15 the Court set this status hearing regarding the Sale of Real Property.	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail	Verified Supplement for Report of Personal Representative filed 09/08/15 states that both real property assets of the estate have been sold resulting in net proceeds of \$52,079.74, which has been deposited in an estate bank account at Chase Bank.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 09/09/15
		Updates:
		Recommendation:
		File 8B - Oh

Petitioner Saldivar, Rosalinda Galvan (pro per – paternal grandmother/Petitioner)
 Petitioner Saldivar, Richard (pro per – paternal grandfather/Petitioner)
 Petition - Appoint Guardian

Age: 12	<u>TEMPORARY EXPIRES 09/14/15</u>	NEEDS/PROBLEMS/COMMENTS:
	RICHARD SALDIVAR and ROSALINDA SALDIVAR , paternal grandparents, are Petitioners.	This Petition pertains to Vanity only.
	Father: RUSTY SALDIVAR – <i>currently incarcerated</i>	Cutberto & Irene Jimenez were appointed as co-guardians of Natalie on 03/25/15.
Cont. from 062915, 080315	Mother: AMBER STICKLES – <i>Consent & Waiver of Notice filed 04/24/15</i>	<u>CONTINUED FROM 08/03/15</u> As of 09/10/15, nothing has been filed since the last hearing and the following notes remain:
<input type="checkbox"/> Aff.Sub.Wit.	Maternal grandfather: CARL SHARP Maternal grandmother: TONYA SHARP	1. Need <i>Notice of Hearing</i> .
<input checked="" type="checkbox"/> Verified	Petitioners state that Vanity has lived with them since she was a year old. She is doing well in school and Petitioners are able to provide a home for her.	2. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: a. Rusty Saldivar (father) – <i>personal service needed</i> b. Carl Sharp (maternal grandfather) – <i>service by mail sufficient</i> c. Tonya Sharp (maternal grandmother) – <i>service by mail sufficient</i>
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Conf. Screen	Court Investigator Samantha Henson filed a report on 06/22/15.	
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 09/10/15
		Updates:
		Recommendation:
		File 9 – Ortega & Saldivar

DOD: 2/15/13		AMBER LYNNE WHITE , Daughter, was appointed as Executor with Full IAEA without bond on 5-13-13.	NEEDS/PROBLEMS/COMMENTS:
		At the hearing on 5-13-13, the Court set this status hearing for the filing of the petition for final distribution pursuant to Probate Code §12200.	Minute Order 5/4/15: Counsel represents that the property is still listed but that there is a possible annex issue; requests 90 days. Counsel is to file an updated status report.
Cont. from 071114, 111014, 020215, 050415		I&A filed 9-4-13 indicates a total estate value of \$585,750.00 consisting of decedent's interest in various real property.	1. Need first account or petition for final distribution pursuant to Probate Code §12200.
Aff.Sub.Wit.		Status Conference Statement filed 9/10/15 states the estate consists of a 50% undivided interest in real property valued at \$585,750. The executor and other owner have agreed to sell the property. The real property owned by Decedent was obtained by inheritance along with his brother and sister. Decedent initiated a Quiet Title action to resolve title issues. The brother predeceased the decedent and as a result, title to said real property is held as tenants in common between the decedent and his sister, Cindy Gill. Petitioner states she has worked with her aunt and agreed to sell the property. Cindy Gill has used her own funds to clean up the property and get it ready for sale. Various listing agreements have been signed and expires.	
Verified			
Inventory		During the course of administration, it came to Executor's attention that the decedent and his siblings executed an agreement for release and transfer of prescriptive easement rights. Essentially, the Doolittle family had obtained an easement over 5253 Enterprise property by Judgment in the Fresno County Superior Court in 1996. A release of the easement was obtained after payment of \$250,000 was made to the Doolittle family. However, the agreement also included terms that should 5253 Enterprise ever purchase the property, the \$250,000 would be deducted from the sale price. There was no first right of refusal provided to 5253 Enterprises, and the Doolittle family was free to sell the property whenever and to whomever they desired.	
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

SEE PAGE 2

Page 2

The above information was taken into consideration when determining the initial asking price, which was set at \$1,300,000 for the entire parcel, or \$650,000 for the estate share. Basically, the amount was determined by taking 90% of the date of death value plus \$250,000 to cover provisions in the agreement described above.

Executor and Cindy Gill believed \$1,000,000-1,200,000 was an obtainable goal. New information and market conditions led us to believe this price is now too high.

There have been three offers to date. Counter offers on all three were made for slightly over \$1,000,000 based on a 10% reduction from the date of death appraised value. None was accepted.

It has now come to Executor's attention that developers are concerned with potential development restrictions imposed because of Dog Creek and Gould Canal that may hinder the number of potential development sites on the property. The Army Corps of Engineers and Fresno County Flood Control District have been contacted to assist in analysis of these restrictions.

Ms. Laura Mather of London Properties has now been engaged to assist in the sale. Both owners are encouraged by her efforts and are hopeful that she will lead to a successful conclusion of the matter. Attorney Hemb plans to have Ms. Mather attend the hearing on 9/14 to provide an opportunity to the Court to raise any questions it may have regarding current market conditions.

Executor is doing everything possible to sell the decedent's interest in the property. As sole beneficiary, Executor has no reason to delay administration. It is her goal to bring this matter to a successful conclusion as soon as possible.

11 Gene Ray Chance (Estate)**Case No. 13CEPR00612****Atty Standard, Donna M (for Walter Sherwood Chance – Petitioner – Executor)****First Account and Report of Status of Administrator of Estate**

DOD: 10/16/2011		WALTER SHERWOOD CHANCE , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 08/10/2015: If an amended petition is filed at least two court days prior, then no appearance is necessary. As of 09/09/2015 an Amended Petition has not been filed. The following issues remain: 1. Need Amended Petition. The material facts have changed as evidenced in the corrected Inventory and Appraisal filed 08/03/2015. The two Supplements to the First Account and Report of Status of Administration that were filed in essence to clear the examiner notes have made following the information difficult. Need a concise new pleading served on all interested parties. <u>Please see additional page</u> Reviewed by: LV Reviewed on: 09/09/2015 Updates: Recommendation: File 11 - Chance
		Account period: 07/12/2013- 01/31/2015	
Cont. from 051915 063015, 070715, 072015, 081015		Accounting - \$175,373.59 Beginning POH - \$165,000.00 Ending POH - \$173,960.16 (\$8,960.16 is cash)	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	11/26/13	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

2. Court order dated 09/20/2013 requires all estate funds are ordered to be placed in a blocked account. On 07/20/2015 the second Supplement to the First Account and Report of Status of Administration of Estate was filed. The declaration asserts that the cash amounts presently in the Estate are now held by Sabine State Bank and Trust in a blocked interest bearing account. The cash had previously been held in a regular account despite the Court's order which required all estates funds to be placed in a blocked account. It appears that the Court has never been provided a Blocking order. Need Order to Deposit Money into Blocked Account, mandatory Judicial Council Form MC-355 and Receipt for Blocked Account, mandatory Judicial Council form MC-356.
3. Petitioner's signature on the corrected Inventory and Appraisal filed 08/03/2015 appears to be a color copy and not an original signature as required.
4. Order appointing personal representative orders all funds of the estate to be placed in a blocked account. Accounting shows income from rents in the amount of \$9,000 and disbursements of \$1,988.33. Supplement to the First Account and Report of Status of Administration of the Estate filed 06/15/2015 states "the cash amounts presently in the Estate are held by Sabine Bank in a blocked interest bearing account" however there is no evidence of a receipt for blocked account having been filed with the court. Need proof of funds placed in a blocked account.
5. Need Order.

Note: Executor was appointed with limited IAEA authority and funds to be placed into a blocked account. Any sale of real property would require court confirmation.

Note: If the petition is granted status hearings will be set as follows:

- **Monday, 9/12/2016 at 9:00a.m. in Dept. 303** for the filing of the Second account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

12 Zachery Mahala & Brett Mahala (GUARD/P) 13CEPR00716

Petitioner Hardin, Tammy (Pro Per – Mother)

Petition for Termination of Guardianship

Zachery Age:15	TAMMY HARDIN , mother, is petitioner. <u>Please see petition for details</u>	NEEDS/PROBLEMS/COMMENTS: Minute Order of 08/10/2015: The Court grants one last continuance absent extraordinary good cause for Ms. Hardin to file and properly serve any documentation or proof she has with regard to pending criminal charges in North Carolina; said paperwork due by 09/02/2015. As of 09/09/2015 only a new notice of hearing was filed.	
Brett Age:13			
Cont. from 071315, 081015			
<input type="checkbox"/> Aff.Sub.Wit.			
✓ Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail			w/
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
✓ CI Report			
<input type="checkbox"/> 9202			
✓ Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
Reviewed by: LV			
Reviewed on: 09/09/2015			
Updates:			
Recommendation:			
File 12 - Mahala			

(1) Proof for Final Distribution on Waiver of Accounting and (2) for Allowance of Statutory Commissions

DOD:6-20-13		BETTY ANN CONNELLY, Mother and Administrator with Full IAEA without bond, is Petitioner. Petitioner is the sole heir and waives accounting. I&A: \$295,528.15 POH: \$42,955.29 (cash) Administrator (Statutory): \$8,910.56 Closing: \$1,000.00 Petitioner states the decedent's real property was sold and the decedent's personal effects were distributed to the heirs to avoid storage expense. Petitioner requests distribution pursuant to intestate succession as follows: Betty Ann Connelly: Entire estate	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 2/9/15, 5/4/15. The following issues remain:</u> 1. Petitioner states at #6 that no claims were filed against the estate; however, a Creditor's Claim was filed on 10-27-14 by Attorney David Milligan for Claimant Jacklyn Kurisu in connection with damages arising out of a motor vehicle accident of \$314,000.00, with reference to Case #14CECG01135. <u>Therefore, need Allowance or Rejection of Creditor's Claim (DE-174) and proof of service pursuant to Probate Code §9250.</u> <u>Note:</u> If rejected, a creditor has 90 days to act on the rejection. <u>Note:</u> Pursuant to Probate Code §10954(c), notwithstanding the waiver of accounting by the heir, an unpaid creditor may petition for an accounting. 2. Court records indicate that the Estate of Regina Ann Connelly (presumably Petitioner as Administrator) filed an Answer on 12-14-14 to a complaint in 14CECG01135. Therefore, it does not appear that this estate is in a position to close. <u>The Court may require clarification regarding this matter.</u> 3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1252 and <u>Request for Special Notice</u> filed 10-30-14 on David Milligan (Attorney for Creditor Jacklyn Kurisu) 4. Need Order pursuant to Local Rules 7.1.1.F. and 7.6.1. <u>Note:</u> Because the minute order of 2-9-15 confirmed that the decedent's father is deceased, the Decedent's mother, Petitioner Betty Ann Connolly, is the sole heir of the estate pursuant to Probate Code §6402(b), subject to the above-referenced claims/matters.	
Cont From 020915, 050415				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input checked="" type="checkbox"/>	PTC			
<input checked="" type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input type="checkbox"/>	Aff.Mail			x
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters	7-25-14		
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	9202			
<input type="checkbox"/>	Order	x		
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input checked="" type="checkbox"/>	FTB Notice			

Petitioner Michelle Bustamante (Pro Per Petitioner, mother)

Guardian Lydia Duarte (Pro Per Guardian, paternal grandmother)

Petition for Termination of Guardianship

		MICHELLE BUSTAMANTE , mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
			1. Need proof of 15 days' service prior to hearing of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination</i> pursuant to Probate Code §§ 1460 and 1511, or consent and waiver of notice for:
Cont. from		LYDIA DUARTE , paternal grandmother, was appointed Guardian on 4/28/2014.	
	Aff.Sub.Wit.		<ul style="list-style-type: none"> • Michael A. Heinz, Jr., father; • Michael A. Heinz, paternal grandfather; • Saria Shannon, sibling age 12; • Mono Indian Tribe; • Wukchumni Indian Tribe; • Wuksachi Indian Tribe.
✓	Verified		
	Inventory		2. Court Investigator's <i>Report</i> filed 8/31/2015 indicates the Petitioner has Native American Ancestry – she identifies with the Mono Tribe, Wukchumni Tribe, and Wuksachi Tribe. Notice pursuant to the Indian Child Welfare Act (ICWA) was not provided at the time the guardianship was granted on 4/28/2014. <i>Notice of Child Custody Proceeding for Indian Child</i> (Form ICWA-030) is required for this matter to proceed, which the Court will serve on necessary agencies, including the Bureau of Indian Affairs, after Petitioner submits the ICWA-030 form to the Court. File contains a blank copy of this form for completion by Petitioner and return to the Probate Court Clerk immediately for service to required agencies.
	ICWA	X	
	Not.Cred.		~Please see <i>Petition for details</i> ~
✓	Notice of Hrg		
	Aff.Mail	X	Court Investigator's Report was filed on 8/31/2015.
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		Reviewed by: LEG
	Status Rpt		Reviewed on: 9/9/15
	UCCJEA		Updates: 9/11/15
	Citation		Recommendation:
	FTB Notice		File 14 – Heinz

Attorney Howk, Robert L. (for Executor Mary Jane Sunamoto)

Probate Status Hearing Re: Filing of the First Account

DOD: 9/6/2013	<p>MARY JANE SUNAMOTO, niece, was appointed Executor with Full IAEA authority without bond on 5/5/2014. Letters issued on 5/8/2015.</p> <p>Pursuant to Probate Code § 8800(b), <i>Final Inventory and Appraisal</i> was due filed 9/19/2014 showing an estate value of \$265,719.60.</p> <p>Pursuant to Probate Code § 12200, first account and/or petition for final distribution was due 5/8/2015.</p> <p>Minute Order dated 5/5/2014 from the hearing on the petition for probate set this status hearing for filing of the first account and/or petition for final distribution.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR</p> <p><i>First and Final Report of Executor, etc., was filed 9/4/2015, and is set for hearing on 10/15/2015.</i></p>
Cont. from 070615		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 9/8/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 - Luna</p>

16 William Leon Kermoyan (Estate) Case No. 14CEPR00227**Attorney Coleman, William H (for Leo Kermoyan – Administrator)****Probate Status Hearing Re: Filing of the First Account**

DOD: 11-24-11	LEO KERMOYAN , Son, was appointed Administrator with Will Annexed with full IAEA authority and bond set at \$479,000.00.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 08/21/2015: Counsel requests 30 days; no appearance is necessary on 09/14/2015 if the petition is filed at least two court days prior. 1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Cont. from 082115	Final Inventory and Appraisal filed 08/27/2014 shows an estate of \$450,000.00.	
Aff.Sub.Wit.	Minute Order of 04/22/2014 set this status hearing for the filing of the First account.	
Verified		
Inventory		
PTC	Former Status Report filed 08/19/2015 states a Final Inventory and Appraisal of the estate was filed on 08/27/2014, showing assets having a total appraised value of \$450,000. Petitioner alleges that such inventory totaling \$450,000 contains all the assets of the estate that have come to petitioner's knowledge or into his possession. The sole asset of the estate was an 8-unit apartment complex located at 3402 E. Clinton Ave. which was owned by decedent at the time of death as his separate property. Decedent's spouse, Rose Kermoyan, managed the property and collected the rents until her death in February of 2014. The Administrator listed the property and gave notice of proposed action to all the beneficiaries under the will of the decedent. The apartment complex was sold June 24, 2015, and resulted in the following: The real property was valued at \$450,000 and sold for 90% of its value, at \$405,000. It had no encumbrances or mortgages on the property. The net proceeds on the sale of eight units was \$371,986.37, after Broker's commission, maintenance fees and credit to buyer for repairs, and escrow fees were paid.	
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting	Administrator is working with this attorney to draft an accounting of rents and list expenses paid since his appointment as personal representative. It is estimated that the time it will take to prepare and to file the Petition with the accounting will be four weeks.	
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Reviewed by: LV
Reviewed on: 09/09/2015
Updates:
Recommendation:
File 16 – Kermoyan

**First Account Current and Report of Conservator and Petition for Allowance
of Compensation to Conservator and Attorney**

		PUBLIC GUARDIAN , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> Wednesday, July 12, 2017 at 9:00 a.m. in Department 303, for the filing of the second account. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
		Account period: 4/14/14 – 5/15/15	
Cont. from		Accounting - \$194,423.59	
	Aff.Sub.Wit.	Beginning POH - \$170,394.21	
✓	Verified	Ending POH - \$141,023.82 (\$109,392.86 is cash)	
	Inventory		
	PTC	Conservator - \$13,384.48 (104.24 Deputy hours @ \$96/hr and 44.44 Staff hours @ \$76/hr)	
	Not.Cred.		
✓	Notice of Hrg	Attorney - \$2,500.00 (per Local Rule)	
✓	Aff.Mail	W/	
	Aff.Pub.	Attorney additional - \$1,250.00 (per Local Rule for court confirmed sale of real property)	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen	Bond fee - \$407.55 (o.k.)	
	Letters		
	Duties/Supp	Court fees - \$617.00 (filing fee, certified copies)	
	Objections		
	Video Receipt	Petitioner prays for an Order:	
	CI Report	1. Approving, allowing and settling the first account;	
	9202	2. Authorizing the conservator and attorney fees and commissions;	
✓	Order	3. Payment of the bond fee;	
	Aff. Posting	4. Payment of court fees.	
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 9/9/15
			Updates:
			Recommendation:
			File 17 – Alvarado

Probate Status Hearing Re: Filing of the First Account or Petition for Final Distribution

DOD: 6/17/13	HOWARD YOUNG was appointed Administrator with limited IAEA and without bond.	NEEDS/PROBLEMS/COMMENTS: 1. Need first account, petition for final distribution.
	Letters issued on 9/5/14.	
Cont. from		
Aff.Sub.Wit.	Inventory and Appraisal filed on 2/13/15 showing the estate valued at \$150,000.00	
Verified		
Inventory		
PTC		
Not.Cred.	Minute order dated 7/14/14 set this status hearing re: filing of the first account or petition for final distribution.	
Notice of Hrg		
Aff.Mail	First account or petition for final distribution is now due.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Status Report filed 09/10/15 states: the sole asset of the estate is real property in Richmond, CA that is currently in the process of being sold. Once the sale is complete the estate will be in a position to be closed. A continuance of 60 days is requested in order to allow time for the sale to be concluded.	
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 9/9/15
		Updates: 09/11/15 (JF)
		Recommendation:
		File 18 – Young

Attorney

Setrakian, Philip S. (for Connie Hamlin – Administrator – Petitioner)

First Amended First and Final Account and report of Administrator and petition for Settlement Thereof; for Allowance of Statutory Attorney Fees and Administrator Compensation and for Final Distribution

DOD: 4/1/14		CONNIE HAMLIN , Daughter and Administrator with Full IAEA without bond, is Petitioner. Account period: 4/1/14 – 6/1/15 Accounting: \$488,472.32 Beginning POH: \$478,437.52 Ending POH: \$233,843.77 (Cash) Administrator (Statutory): \$12,571.00 Attorney (Statutory): \$12,571.00 Closing: \$4,701.77 Distribution pursuant to intestate succession: Steven Ash: \$51,000.00 Connie Hamlin: \$51,000.00 Randy Ash: \$51,000.00 Timothy Ash: \$51,000.00	NEEDS/PROBLEMS/COMMENTS: <u>SEE ADDITIONAL PAGES</u>	
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input checked="" type="checkbox"/>	PTC			
<input checked="" type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input checked="" type="checkbox"/>	FTB Notice			
			Reviewed by: skc Reviewed on: 9/9/15 Updates: Recommendation: File 19 – Ash	

Page 2 – NEEDS/PROBLEMS/COMMENTS:

1. Disbursements Schedule indicates numerous preliminary distributions totaling \$183,204.60 without prior Court authorization in violation of Probate Code § 11620 et seq., as follows:
 - \$3,000 each to the four beneficiaries on 5/24/14
 - \$3,000 each to the four beneficiaries on 6/2/14
 - \$25,000 each to the four beneficiaries on 8/14/14
 - \$13,000 each to the four beneficiaries on 10/19/14
 - \$1,801.15 each to the four beneficiaries on 6/8/15

The Court may require clarification with reference to the request that all acts and proceedings of the Administrator be confirmed, ratified, and approved.

2. Need receipts for all preliminary distributions from all beneficiaries.
3. Receipts Schedule B includes \$5,086.20 described as "non-estate assets used for distributions." What does that mean? Was this a cash deposit by the Administrator to fund the unauthorized preliminary distributions noted above? Was it returned? Need clarification and authority for using this amount as a receipt for the purpose of calculating statutory compensation.
4. Disbursements schedule indicates expenditures for smog and DMV for "Ford pickup;" however, there is no Ford pickup inventoried.
5. Disbursements schedule indicates numerous payments to a Jim McLey that appear to be associated with cleanup of the property. One of the line items indicates a payment to Beneficiary Tim Ash for Jim McLey. Need clarification with reference to Probate Code § 1064(a)(4) (disclosure of family or affiliate relationship between administrator and hired agent).
6. Disbursements schedule indicates a payment to Attorney Setrakian on 8/19/14 in the amount of \$457.00. Need clarification.
7. Disbursements schedule indicates a payment of \$516.14 to DCM/Chase Credit Card on 8/19/14. Was this a creditor's claim that was received, but not filed? Need clarification with reference to Cal Rule of Court 7.403, which requires that all claims be listed in the final report.
8. Declaration filed 7/27/15 indicates that the amount of the Union Fidelity life insurance asset should be \$50,757.16 rather than \$50,767.00. However, the original figure used was \$50,756.00, and this petition uses \$50,756.16, a \$1.00 discrepancy. Which is the correct figure?
9. Petitioner withdrew \$630.00 for yard sale cash on 6/19/14, and returned that amount to the bank afterwards on 6/27/14. However, that \$630.00 should not be counted as a "receipt" for purposes of statutory fee calculation. Rather, this amount should be reflected under "Other Charges."
10. Similarly, it appears that other line items classified as receipts may also be partial refunds for disbursements paid from estate funds rather than actual receipts to the estate. Need clarification re the mortgage refund and insurance refund, as it appears these were refunds from overpayment by the estate, not "receipts" and should not be included in the fee base.
11. In addition to the above \$630.00, Petitioner also includes the "Other Charges" totaling \$227.07 in the statutory fee calculation, which are prorated refunds from the sale of the real property. This does not appear appropriate pursuant to Probate Code § 10800, Cal. Rule of Court 7.705.
12. Based on the above-noted issues, need recalculation of statutory compensation and distributions.

Attorney

Cobb, Lee S.W. (for Casey S. Rogers – Trustee – Petitioner)

Petition to Settlement and Approve First Account and Report of Administration of the

Eugene M. and Evelyn I Ford Family Trust - Survivor's Trust; The Eugene M and Evelyn I Ford Family Trust - Marital Trust; and the Eugene M. and Evelyn I. Ford Family Trust - Credit Trust

Eugene M. Ford DOD: 4/25/93	CASEY S. ROGERS, Trustee, is Petitioner.		NEEDS/PROBLEMS/ COMMENTS:
Evelyn I. Ford DOD: 12/23/13	Account period: 12/23/13-12/31/14		
	Survivor's Trust Accounting: \$2,447,327.99		<u>Minute Order 8/10/15:</u> Counsel requests a continuance for discussions with Mr. Keeler. The Amended Petition for Determination of Validity of Trust Amendment will trail to the same date. (Page B)
	Survivor's Trust Beginning POH: \$2,423,730.79		
	Survivor's Trust Ending POH: \$ 258,261.60		<u>Update:</u> Petitioner filed Reply in Support of Petition on 9/10/15. Petitioner states the objection of Frantzich is made in bad faith and is further evidence of her intent to obstruct and delay the orderly administration of the trust estate.
Cont. from 081015			
Aff.Sub.Wit.	Marital Trust Accounting: \$1,793,172.79		1. Need order. See Local Rule 7.1.1.F.
✓ Verified	Marital Trust Beginning POH: \$1,461,938.69		
Inventory	Marital Trust Ending POH: \$1,307,834.52		
PTC	Credit Trust Accounting: \$1,814,286.07		
Not.Cred.	Credit Trust Beginning POH: \$1,800,300.00		
✓ Notice of Hrg	Credit Trust Ending POH: \$0		
✓ Aff.Mail	w	Petitioner states upon the death of Eugene M. Ford on 4/25/93, the Family Trust was divided into three separate subtrusts: The Survivor's Trust, the Marital Trust, and the Credit Trust. Evelyn I. Ford executed various amendments and other testamentary documents thereafter. Following her death, Susan Frantzich produced a handwritten document dated 3/6/13.	
Aff.Pub.		On or about 9/22/14, Beneficiary Susan Frantzich filed an Amended Petition for Determination of Validity of Trust Amendment, which disputes the distribution provisions of the Survivor's Trust and the Marital Trust. The Frantzich Petition is currently on hold pending a determination of the appeal: On 8/20/14, the Will, First Codicil, Second Codicil, and Third Codicil were admitted to probate and Petitioner Casey Scott Rogers was appointed as Executor by order of this Court in 14CEPR00536. Petitioner believes there are no assets subject to administration in the estate. On or about 11/4/14, Ms. Frantzich filed a notice of Appeal which is currently pending in the Fifth District Court of Appeal in F070917.	
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
✓ Objections			
Video Receipt			
CI Report			
9202			
Order	x		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
SEE ADDITIONAL PAGES			

Reviewed by: skc

Reviewed on: 9/9/15

Updates: 9/11/15

Recommendation:

File 20A – Ford

Petitioner states this petition is reasonably necessary for the protection of the interests of both the trustee and the beneficiaries of each subtrust given the ongoing disputes and/or objections related to the administration of each trust as raised by Ms. Frantzich. By means of this petition, the trustee seeks timely determination of all matters presented in this account.

Petitioner provides first accounts for each of the three subtrusts for account period 12/23/13 through 12/31/14 and describes misc. matters:

- **Subtrust Funding Plan.** Upon the death of Eugene M. Ford, the assets of the Family Trust were divided and allocated among the three subtrusts; namely, the Survivor's Trust, the Marital Trust, and the Credit Trust. Although the subtrust funding plan (Exhibit S) provided for allocation of the various real properties among the subtrusts, Evelyn I. Ford inadvertently failed to change record title to the various assets in a manner consistent with the subtrust funding plan. Rather, title to various assets remained in the Family Trust. Notwithstanding the failure to change title, Petitioner believes that at all relevant times, Evelyn I. Ford administered the subtrusts in a manner consistent with the allocation of assets provided in the subtrust funding plan, including the filing of taxes through the years. Petitioner has continued to administer the assets of each trust and has prepared the accounting for each trust consistent with the subtrust funding plan.
- **Short Sale of Beach House.** Pursuant to the Subtrust Funding Plan, the Beach House in Pebble Beach, CA, was allocated and distributed 50% to the Survivor's Trust, 7.64% to the Marital Trust, and 42.36% to the Credit Trust. During her lifetime, Evelyn I. Ford obtained a reverse mortgage secured by the beach house. Pursuant to its terms, the outstanding principal and accrued but unpaid interest became due immediately upon her death. As of 1/31/14, the outstanding balance on the reverse mortgage was \$5,172,316.00. The beach house was ultimately sold through a short sale for a total of \$4,250,000.00. After consulting with the accountant, Petitioner is informed and believes that the short sale did not result in any federal and state income taxes with respect to the interest owned by the Survivors and Marital Trusts; however, the sale resulted in federal and state income taxes in the sum of \$399,846.00 with respect to the Credit Trust. The Credit Trust is insolvent such that it will not be able to pay any of the taxes due and owing. Petitioner is in the process of preparing federal and state fiduciary income tax returns consistent with that set forth above.
- **Trustee Compensation In Regard to Short Sale.** Petitioner states he expended considerable time and effort to secure the lender's consent to the sale, which included paperwork, following up on status, and other communications with the lender. Petitioner is a licensed real estate agent, experienced in short sales, and the services provided were of the type typically performed by the listing agent. In recognition of this, the listing agent and broker offered to and did pay Petitioner a short sale processing fee of \$27,597.50 (1% of the total commission payable). The processing fee is the standard and customary fee paid in these types of transactions to a referring agent, particularly where the referring agent spent considerable time navigating the short sale process, and was only paid because Petitioner is a licensed real estate agent. It did not result in any increased costs of sale given that the commission was already due and payable to Coldwell Banker as the agent and broker. Under the terms of each trust, the trustee is entitled to reasonable compensation for services rendered. Petitioner therefore respectfully requests the Court authorize and approve the payment of the short sale processing fee of \$27,597.50 as reasonable compensation for services rendered by Petitioner in connection with the short sale of the beach house.

Petitioner requests this Court to order that:

1. The Petition to Settle and Approve First Account and Report of Administration of the three subtrusts be settled, allowed and approved as filed;
2. The first account of the Survivor's Trust be settled, allowed, and approved, and all acts and transactions of Petitioner as set forth herein or relating to matters set forth herein be ratified, confirmed and approved;
3. The first account of the Marital Trust be settled, allowed, and approved, and all acts and transactions of Petitioner as set forth herein or relating to matters set forth herein be ratified, confirmed and approved;
4. The first account of the Credit Trust be settled, allowed, and approved, and all acts and transactions of Petitioner as set forth herein or relating to matters set forth herein be ratified, confirmed and approved;
5. Casey S. Rogers, as trustee, is authorized to accept the short sale processing fee of \$27,597.50 as his reasonable compensation for services rendered as trustee in connection with the short sale of the beach house; and
6. Such further order be made as this Court may deem proper.

Objection filed 8/7/15 by Susan Ford Frantzich states the accounts for the three subtrusts do not provide the detail required by Probate Code §1061 et seq. A comparison of the schedules shows incompatible figures for purported transactions between the subtrusts. The Property on Hand shown for the Marital Trust shows property to which title is presently undetermined based on Evelyn Ford's handwritten document. The compensation received related to the sale of a trust asset is inappropriate and a breach of the trustee's fiduciary duties. See Objection for specific discussion.

Objector requests the Court order the following:

1. Deny the trustee's prayer for approval and settlement of his first account and report;
2. Order the trustee to properly and fully report and account;
3. Award Objectors' reasonable attorneys' fees and costs by determining that the trustee's first account has been filed and submitted in bad faith; and
4. For such other and further relief as the Court deems proper.

20B Eugene & Evelyn Ford Family Trust

Case No. 14CEPR00485

Atty Keeler, William J. (for Susan Ford Frantzich – Beneficiary – Petitioner)

Atty Chielpegian, Mark E. (for Casey S. Rogers – Trustee – Respondent)

Amended Petition for Determination of Validity of Trust Amendment

Eugene M. Ford DOD: 4-25-93		SUSAN FORD FRANTZICH, Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: See additional pages.
Evelyn I. Ford DOD: 12-23-13			
Cont. from 110614, 111714		Petitioner states she is the daughter of decedents Eugene M. Ford and Evelyn Irene Ford and is a beneficiary of the Eugene M. and Evelyn I. Ford Family Trust dated 1-7-91. (Exhibit A)	Note: Per Minute Order 8/10/15, this Amended Petition was to trail the outcome of the Court's Ruling on the Trustee's Petition for Instructions. The Court's ruling was entered 2/12/15. This matter was reset per Minute Order 8/10/15. It does not appear that anything new has been filed in connection with this petition since the last hearing on 11/17/14; however, please see additional history below.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Petitioner states Casey Scott Rogers has been acting as Successor Trustee since the death of Mrs. Ford on 12-23-13 pursuant to the Ninth Amendment to Declaration of Trust.	Note: Pursuant to Minute Order 9-11-14, the Court ordered that the related matter <u>Estate of Evelyn Ford 14CEPR00536</u> "follow along" with this case, although it is not technically on calendar. In that matter, there were competing petitions for appointment as personal representative by these same petitioners. At the hearings on 8-20-14, neither Ms. Frantzich nor her attorney, Mr. Keeler, were present. Ms. Frantzich's petition was denied and Mr. Rogers' petition was granted and he was appointed as Executor.
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	The Fords had three children: Nancy Lee Ford of Cambria, CA, Susan Jean Frantzich of Clovis, CA, and Patricia Elaine Coffman of Sanger, CA. The original trust named Nancy, Susan, and Patricia as successor co-trustees.	However, please note that on 11-4-14, Ms. Frantzich filed a Notice of Appeal and Appellant's Notice Designating Record of Appeal regarding the order denying her petition.
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner states the trust property includes, <i>inter alia</i> , real property known as the Quail Oaks Ranch. Among other provisions, the trustee had the power to "apportion and allocate assets of the trust estate" at Section 8.08A. The trust also gave the surviving spouse the power to "amend, revoke, or terminate" the Survivor's Trust at Section 2.03(D).	Reviewed by: skc Reviewed on: 9/9/15 Updates: Recommendation: File 20B – Ford
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Response		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

SEE ADDITIONAL PAGES**20B**

Page 2**Petitioner states:**

- On 12-1-92, Mr. and Mrs. Ford signed the 1st Amendment, which amended the trust to name A. Douglas Flint, in the alternative Michael S. Pistoresi, as successor trustees, among other changes. (Exhibit B)
- On 4-25-93, Mr. Ford died and Mrs. Ford became the sole trustee.
- On 6-21-96, Mrs. Ford signed the 2nd Amendment, which amended the trust to appoint the Survivor's Trust to her then-living daughters. (Exhibit C)
- On 1-16-03, Mrs. Ford signed the 3rd Amendment, revoking the 1st and 2nd Amendments and amending the trust to name Nancy, Susan and Patricia as successor co-trustees. (Exhibit D)
- On 6-12-03, Mrs. Ford signed the 4th Amendment, revoking the 3rd Amendment and appointing the Survivor's Trust to her then-living daughters. The 4th Amendment also amended the trust to name Robert G. Carter as successor trustee, then Nancy, Susan and Patricia as successor co-trustees. (Exhibit E)
- On 10-24-03, Mrs. Ford signed the 5th Amendment, appointing \$12,500 each to Ronald McKenzie, Joanne Stanion, and Samantha Cole. (Exhibit F)
- On 7-7-09, Mrs. Ford signed the 6th Amendment, revoking all previous amendments and appointing Casey Scott Rogers as successor trustee, then Nancy, Susan and Patricia as successor co-trustees. (Exhibit G)
- On 3-29-12, Mrs. Ford signed "a trust amendment" naming Petitioner Susan Frantzich as successor trustee. (Exhibit H)
- On 5-10-12, Mrs. Ford signed the 8th Amendment, revoking all prior amendments and appointing James M. Bell as successor trustee, then Nancy, Susan and Patricia as successor co-trustees. (Exhibit I)
- On 3-6-13, Mrs. Ford signed a document stating: "Upon my death, my daughter Susan Ford Frantzich will inherit the Quail Oaks Ranch 'barn compound,' and adjacent 40 acres." (Exhibit J)
- On 3-14-13, Mrs. Ford signed the 9th Amendment, purportedly revoking the 1st through 8th Amendments, and purportedly appointing Casey Scott Rogers as successor trustee, with James M. Bell as next successor trustee, then Nancy, Susan and Patricia as successor co-trustees. (Exhibit K)

SEE ADDITIONAL PAGES

Page 3

Petitioner states she has filed a Petition for Probate in this matter to ensure the Court has the power to enforce Mrs. Ford's intent as expressed in Exhibit J whether it is determined to have been expressed as a codicil or a trust instrument.

Petitioner states Mrs. Ford had the power to amend the Survivor's Trust, and frequently exercised that power before her death. She also had the power to allocate the assets of the trust, including the Quail Oaks Ranch property. Mrs. Ford handwrote the document to leave the Quail Oaks Ranch property "barn compound" and adjacent 40 acres to Petitioner. She had her caregiver, Hilda Ceballos, witness the document, showing the gravity and seriousness of her intent to make a change to the disposition of her estate plan. She satisfied the requirements of the trust for amendment by delivering a copy to herself as sole trustee. Petitioner requests that this Court order that the 3-6-13 document is a valid trust amendment.

Petitioner requests that the Court order the following:

- 1. Declare the document signed on 6-3-13 is a valid trust amendment;**
- 2. For costs herein; and**
- 3. For such other orders as the Court may deem proper.**

Response filed 10-8-14 by Casey S. Rogers, Trustee, states the handwritten document does not constitute a valid amendment to the Survivor's Trust. Mr. Rogers believes he is authorized and directed to oppose the petition, as it has been informally raised whether his opposition would constitute a breach of his fiduciary duties (impartiality) to petitioner as a beneficiary.

In light of the conflict issue raised by Petitioner, Mr. Rogers intends to file a separate petition for instructions as to whether he is authorized and empowered to object to and oppose this petition.

Respondent requests this Court order that:

- 1. The petition be continued pending the determination of Respondent's anticipated petition for instructions; and**
- 2. Such further order be made as this Court may deem proper.**

Note: Respondent's Petition for Instructions filed 10-10-14 is set for hearing on 11-17-14.

NEEDS/PROBLEMS/COMMENTS:

Note: The verification is signed by Petitioner's attorney on her behalf.

1. **Need verification of correct service list.** At #4 of the petition, Petitioner provides names and addresses of those entitled to notice. However, the Notice of Hearing filed 9-29-14 indicates mailing to some people at different addresses than were listed in the petition. Need clarification regarding notice to:
 - Petitioner Susan Frantzich's address: Tollhouse Road or Sample Road?
 - Brandon Rogers: Woodrow Avenue or Saginaw Way?(Also note: Why was notice sent "C/O" ? Direct notice is required per Cal. Rules of Court 7.51.)
 - Casey Scott Rogers: Woodrow Avenue or Lane Avenue?
2. **Need order.**

DOD: 6/16/06		IRMA E. CEJA is Petitioner and requests appointment as Executor with Full IAEA. (Relationship not stated, bond not addressed.)	NEEDS/PROBLEMS/COMMENTS: Note: Page B is a competing petition filed by Rudy Ceja (Son). Minute Order 8/10/15: Matter is continued due to the defects. Counsel is to come prepared on 9/14/15 to give a time estimate for trial and an agreed upon trial date. Note: Petitioner may wish to amend the petition in its entirety, or may wish to seek legal advice regarding other potential options for this estate.
Cont from 040815, 051315, 062415, 081015		Full IAEA – need publication	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory	Petitioner states Decedent died intestate at #3e.	
	PTC		
	Not.Cred.		
	Notice of Hrg	x Residence: Fresno Publication: need publication	
	Aff.Mail	x	
	Aff.Pub.	x	
	Sp.Ntc.	Estimated value of estate: Annual income from real property: \$110,000.00	
	Pers.Serv.		
	Conf. Screen	Probate Referee: Steven Diebert	
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 9/9/15
			Updates:
			Recommendation:
			File 21A – Ceja

DOD: 6/16/06		RUDY CEJA , Son, is Petitioner and requests appointment as Administrator with Limited IAEA with bond of \$10,000.00. Limited IAEA – ok Decedent died intestate Residence: Mendota Publication: Business Journal Estimated value of estate: Real property: \$45,000.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 8/10/15:</u> Matter is continued due to the defects. Counsel is to come prepared on 9/14/15 to give a time estimate for trial and an agreed upon trial date. <u>Note:</u> All defects have been cured for Rudy Ceja's petition. <u>Note:</u> If granted, the Court will set status hearings as follows: <ul style="list-style-type: none"> Monday, Nov. 2, 2015 for the filing of bond Monday, Feb. 8, 2016 for the filing of the inventory and appraisal Monday, Dec. 12, 2016 for the filing of the first account or petition for final distribution. If the proper items are on file pursuant to local rules, the status hearings may be taken off calendar.
Cont from 081015			
<input type="checkbox"/>	Aff.Sub.Wit.		
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<input type="checkbox"/>	Inventory		
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<input checked="" type="checkbox"/>	Notice of Hrg		
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<input checked="" type="checkbox"/>	Aff.Pub.		
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<input type="checkbox"/>	Conf. Screen		
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<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: skc Reviewed on: 9/9/15 Updates: Recommendation: File 21B - Ceja	

Attorney Dowling, Michael P. (for Co-Executors Ruth A. Shepherd and Margaret L. Skinner)

Probate Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 1/29/2015	RUTH A. SHEPHERD and MARGARET L. SKINNER, daughters, were appointed Co-Executors with Full IAEA Authority with bond of \$728,000.000 on 5/11/2015.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Proof of Bond in the sum of \$728,000.000 was filed on 6/18/2015.	Note: Probate Code § 8800(b) provides that the <i>Final Inventory and Appraisal</i> shall be filed within 4 months after letters are first issued to general personal representative. Because the Executor's <i>Letters</i> issued on 6/18/2015 following the filing on that date of proof of bond, the <i>Final Inventory and Appraisal</i> is not currently due; thus, this status hearing may be continued to a date subsequent to 10/18/2015, as follows:
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		<ul style="list-style-type: none"> Thursday, December 17, 2015 at 9:00 a.m. in Dept. 303 for filing the final inventory and appraisal.
<input type="checkbox"/> Inventory	Letters issued on 6/18/2015.	
<input type="checkbox"/> PTC		Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	Pursuant to Probate Code § 8800(b), Final Inventory and Appraisal is due <u>10/14/2015</u>.	Reviewed by: LEG
<input type="checkbox"/> Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Aff.Pub.	Verified Status Report of Co-Executors filed 9/1/2015 states:	Reviewed on: 9/8/15
<input type="checkbox"/> Sp.Ntc.	<ul style="list-style-type: none"> The Co-Executors, through their counsel, are working on filing a Partial No. 1 Inventory and Appraisal as soon as possible; The Co-Executors anticipate completing a Final Inventory and Appraisal in approximately 90 days or possibly sooner. 	Updates:
<input type="checkbox"/> Pers.Serv.		Recommendation:
<input type="checkbox"/> Conf. Screen		File 22 – Dickinson
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
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<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Petitioner: Janette Laphy (pro per)

Petition for Appointment of Guardian of the Person

		TEMPORARY EXPIRES 9/14/15	NEEDS/PROBLEMS/COMMENTS:
		JANET LAPHY , paternal grandmother, is petitioner.	Continued from 8/3/15. Minute order states matter continued for services as to Trinidad Saaverdra, maternal grandmother. As of 9/8/15 the following issue remains:
		Please see petition for details.	
Cont. from 062215, 080315		Court Investigator Report filed on 6/11/15	1. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence for: <ol style="list-style-type: none"> Trinidad Saaverda, maternal grandmother - unless the court dispenses with notice.
<input type="checkbox"/>	Aff.Sub.Wit.		
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<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 9/8/15
			Updates:
			Recommendation:
			File 23 - Orozco

24A In Re: The Ostergaard Family Trust**Case No. 15CEPR00449****Attorney: Michael M. Buettner (for Petitioner Michael Mehling)****Attorney: C. Russell Georgeson (co-counsel for Michael Mehling)****Attorney: Mark E. Chielpegian (for Respondent Karlene L. Stefani)****Petition Instructing the Trustee**

		<p>MICHAEL MEHLING, Successor Trustee of the Ostergaard Family Trust, is petitioner.</p> <p>Petitioner states on 3/13/03, CARL E. OSTERGAARD and LAVERNA F. OSTERGAARD, husband and wife, as settlors, executed an inter vivos trust known as THE OSTERGAARD FAMILY TRUST (the "Trust").</p> <p>On 11/19/12, Settlor's executed a First Amendment to The Ostergaard Family Trust.</p> <p>Carl Ostergaard died on 3/26/13 and Laverna became the sole trustee of the trust. On 1/15/14, Laverna's physician William O.Owens, M.D., signed a letter indicating that Laverna was unable to make decisions to care for her financial affairs or for personal care. Shortly thereafter, Petitioner, who is Laverna's nephew, became the trustee of the Trust.</p> <p>Laverna died on 9/18/14.</p> <p>From the time Petitioner took over as trustee, KARLENE L. STEFANI, one of the settlor's daughters, challenged virtually every action taken by Petitioner as trustee, sent multiple letters to Petitioner with pages upon pages of demands for information and demands that Petitioner take certain actions, most of which were unwarranted. Most of the letters included threats of litigation in the event that the demands were unmet.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
Cont. from 061615, 072715				
<input type="checkbox"/>	Aff.Sub.Wit.			
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<input type="checkbox"/>	Letters			
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<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
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<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Please see additional page			<p>Reviewed by: KT</p> <p>Reviewed on: 9/8/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 24A - Ostergarrrd</p>	

24A

KARLENE L. STEFANI and some of her children treated Laverna's assets and real estate as if the assets belonged to them. Karlene's son, **DRAKE STEFANI** moved into Laverna's residence in late 2013 with his girlfriend and infant child, did not maintain the property, and allowed filth and trash to accumulate while Laverna was in the hospital. Petitioner was required in March 2013 (sic) to file an unlawful detainer action against Drake because Laverna was ready to return home. Drake refused to leave claiming the untenable position that because he was a contingent beneficiary of the trust, that he was entitled to current occupancy of the property. Drake's actions in maintaining possession of the property were supported by his parents, including his mother Karlene Stefani.

During the time immediately after Petitioner took over as trustee and continuing more or less until the present time, Settlor's two children, **KARLENE L. STEFANI** and **LINDA K. OSTERGAARD** were engaged in almost continual conflict and fighting over who would be permitted to live in Laverna's residence, who would receive which personal property, and multiple other issues. Petitioner states he was required to be involved as referee to resolve literally dozens of conflicts.

Upon the death of Laverna, the First Amendment to the trust provided that all personal items were to be divided equally between Settlor's two children, **KARLENE L. STEFANI** and **LINDA K. OSTERGAARD**. The remaining balance of the trust estate was to be distributed 25% in trust for **KARLENE L. STEFANI**, 50% in trust for **LINDA K. OSTERGAARD**, and 25% in trust for the children of **KARLENE L. STEFANI**, whose names are **DRAKE STEFANI**, **DARIEN STEFANI** and **BRIEANN STEFANI**, all of whom are adults. The trust provide that the assets were to be held in trust and distributed ratably over five years with distributions on each of the anniversary dates of Laverna's death.

The assets of the trust consists of real property comprising a family compound with several houses including Settlor's residence on five contiguous lots located at the corner of Brawley and Whitesbridge in Fresno. The five parcels were valued at \$455,000.00. The trust also includes bank accounts valued at \$250,000.00 and an IRA with a balance of approximately \$580,000.00 which is payable to the trust.

Attorney Michael M. Buettner drafted the original trust and the first amendment thereto and had a number of conversations with the settlors regarding their intent over the years. Carl and Laverna told Mr. Buettner that they did not want either of their children to be successor trustee of the trust because they did not trust them with money. They expressed disappointment that their children were not and had never been self-sufficient, and had constantly depended on Carl and Laverna for financial assistance. They expressed desire that the assets be distributed over five years so that they would not be able to squander it all at once. Attorney Michael Buettner asked settlors whether it would be acceptable for the trustee to sell the real property after they both died, or whether, alternatively, they wanted the real property held for the benefit of the family. They responded that the believed it would be helpful to sell the property to provide cash to support the children and grandchildren and that it was not necessary to retain the real property upon their passing.

Please see additional page

Petitioner has made it clear to all the beneficiaries from the time of Laverna's death that his intent has been to sell the real property.

On 3/16/15, the beneficiaries of the trust sent notice to the Petitioner and his attorney indicating that the beneficiaries objected to the sale of the real property and demanded to have it distributed to them, presumably in undivided interests, so that they could set up a "limited liability corporation" (sic), owed by the beneficiaries of the trust.

Petitioner's attorney responded objecting to the proposal to distribute the property on the basis that: (1) the assets are to be distributed over five years and the trustee cannot distribute all of the property to the beneficiaries because it would violate the terms of the trust (2) that distributing property to the beneficiaries in undivided interests would be inadvisable because the beneficiaries did not get along, and (3) distributing the property in undivided interests would inevitably result in the trustee retaining interests in the property pending final distribution, and that owning the property jointly with these beneficiaries would subject the trustee to too much liability.

Petitioner alleges that **DARIEN STEFANI**, one of the Settlor's grandsons, procured an audio recording of a conversation he allegedly had with Laverna shortly before the time of her death (and during the time when she was unable to care for her own financial affairs or personal care, as expressed by her physician), during which conversation Laverna allegedly expressed her desire that the real property be retained by the family, not sold. Petitioner alleges that if Laverna made such statements, they were the result of coercion and undue influence on the part of Karlene Stefani and her children.

On 4/8/15, **KATHY OSTERGAARD** (settlor's daughter, called Linda K. Ostergaard in the trust) signed a statement which provides in part, the following: "The complaint of March 16, 2015 re: Proposed Real Estate actions by the Trustee by all of the mentioned beneficiaries, was and is not my desire or intention. I was wrongly pressured into signing this agreement."

Petitioner believes that it would be advisable to sell the real property given the terms of the trust, the expressed wishes of Carl and Laverna, the conflicts among the beneficiaries, and the equivocation of **LINDA K. OSTERGAARD** regarding her wishes.

Wherefore, Petitioner prays for an Order:

1. Authorizing and directing Petitioner as Trustee to list the properties described in Exhibit "I" of the petition for sale with a broker selected by Petitioner, sell the properties for a price upon terms which the Trustee deems to be in the best interest of the trust and the beneficiaries which is consistent with Petitioner's fiduciary duties.

Please see additional page

Opposition to Petition Instructing Trustee; and Request for Continuance Pending Further Discovery filed by Karlene L. Stefani on 7/24/15. Respondent states although the Trustee has a fiduciary duty to act in good faith and deal impartially with the beneficiaries of the trust, the Petition is littered with Petitioner's unsubstantiated accusations and irrelevant attacks on the beneficiaries. Such attack and combative tone throughout the Petition are indicative as to how the Trustee has interacted with the beneficiaries or the Trust.

Respondent does not believe that the Trustee is seeking to sell the real property based on the best interests of the beneficiaries of the Trust. Rather, such action is symptomatic of the Trustee's conduct to exert his will over and run roughshod over the beneficiaries.

Respondent and her children desire to retain the real property that has long been in Respondent's family and to maintain such property for future generations; therefore, Respondent objects to the proposed sale. Moreover, the sale of the real property will incur unnecessary expenses that will deplete the value of the trust estate (i.e., real estate commissions and closing costs).

The terms of the Trust do not compel the sale of the real property. Rather, the Trust simply gives the Trustee discretion to sell. The discretion to sell, however, must be exercised reasonably and in the best interests of the beneficiaries. None of the Petitioner's unsubstantiated claims evidence a need to sell the real property or establish that such sale is even reasonable.

Given the unsubstantiated and conclusory claims made by Petitioner, it is necessary for Respondent for Respondent to investigate the veracity of such claims in order to appropriately respond. Therefore, Respondent respectfully requests a brief continuance in order to complete her discovery and investigation into the various allegations and claims made by Petitioner as to the purported need for the sale of the real property as alleged by Trustee. Thus, Respondent expressly reserves her right, at this time, to demand an evidentiary hearing pending the completion of her factual investigation and filing of an opposition based thereon.

Wherefore, Respondent respectfully requests this Court to order that:

1. The Petition to be continued to afford Respondent an opportunity to complete her investigation into the conduct of the Trustee and various representations made in the Petition, and to file an opposition to the Petition based thereon.

24B In Re: The Ostergaard Family Trust**Case No. 15CEPR00449****Attorney: Michael M. Buettner (for Petitioner Michael Mehling)****Attorney: C. Russell Georgeson (co-counsel for Michael Mehling)****Attorney: Mark E. Chielpegian (for Respondent Karlene L. Stefani)****Probate Status Hearing RE: Trial Setting**

		<p>MICHAEL MEHLING, Successor Trustee of the Ostergaard Family Trust, filed a Petition Instructing Trustee (see page 24A).</p> <p>KARLENE L. STEFANI, one of the beneficiaries, filed an Opposition to the Petition Instructing Trustee.</p> <p>Minute Order dated 7/27/15 set this status hearing re Trial Setting.</p> <p>Status Report of Trustee Michael Mehling filed on 9/4/15 states:</p> <ul style="list-style-type: none"> Discovery was propounded by the Respondent Karlene L. Stefani. Discovery was propounded by the Trustee, Michael Mehling. Deposition of Karlene L. Stefani is set for 9/28/15 in the Law Offices of Georgeson and Belardinelli. Deposition of Linda K. Ostergaard is set for 9/29/15 in the Law Offices of Georgeson and Belardinelli. Estimated Trial time is 2 days. The parties have and are engaging in settlement negotiations. Petitioner is cautiously optimistic a form of settlement is obtainable. Petitioner requests the Court set a date for a contested trial. 	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
Aff.Sub.Wit.			
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Notice of Hrg			
Aff.Mail			
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Citation			
FTB Notice			
		Reviewed by: KT Reviewed on: 9/8/15 Updates: Recommendation: File 24B - Ostergaard	

24B

Petitioner Verduzco, Joaquin (Pro Per – Step-Father)

Petition for Appointment of Guardianship of the Person

Amarisa Age: 13 Krysta Age: 11 Cont. from <table border="1"> <tr> <td><input type="checkbox"/></td> <td>Aff.Sub.Wit.</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Verified</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Inventory</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td>PTC</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Not.Cred.</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Notice of Hrg</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Aff.Mail</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Aff.Pub.</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Sp.Ntc.</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Pers.Serv.</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Conf. Screen</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Letters</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Duties/Supp</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Objections</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Video Receipt</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>CI Report</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td>9202</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Order</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Aff. Posting</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Status Rpt</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>UCCJEA</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Citation</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td>FTB Notice</td> <td><input type="checkbox"/></td> </tr> </table>		<input type="checkbox"/>	Aff.Sub.Wit.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Verified	<input type="checkbox"/>	<input type="checkbox"/>	Inventory	<input type="checkbox"/>	<input type="checkbox"/>	PTC	<input type="checkbox"/>	<input type="checkbox"/>	Not.Cred.	<input type="checkbox"/>	<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aff.Pub.	<input type="checkbox"/>	<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>	<input type="checkbox"/>	Pers.Serv.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Conf. Screen	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Letters	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Duties/Supp	<input type="checkbox"/>	<input type="checkbox"/>	Objections	<input type="checkbox"/>	<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CI Report	<input type="checkbox"/>	<input type="checkbox"/>	9202	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Order	<input type="checkbox"/>	<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>	<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UCCJEA	<input type="checkbox"/>	<input type="checkbox"/>	Citation	<input type="checkbox"/>	<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>	<p align="center"><u>NO TEMPORARY REQUESTED</u></p> <p>JOAQUIN VERDUZCO, step-father, is petitioner.</p> <p align="center"><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need Notice of Hearing. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Jason Ray Boulware (Father of Amarissa) Justin Tidey (Father of Krysta) Deena Fay Kozorra (Mother) Amarissa Kozorra (Minor) Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Paternal Grandparents (of Amarissa) – Unknown Paternal Grandfather (of Krysta) – Unknown Paternal Grandmother (of Krysta) – Unknown Sandra Frizel (Maternal Grandmother) <p align="center"><u>Please see additional page</u></p>
<input type="checkbox"/>	Aff.Sub.Wit.	<input type="checkbox"/>																																																																						
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		File 25 - Kozorra																																																																						

NEEDS/PROBLEMS/COMMENTS continued:

4. UCCJEA is incomplete. Need minors' residence information for the past 5 years.
5. Page #5 of the Guardianship Petition – Child Information Attachment (GC 210(CA)) which pertains to whether the children have Native American Ancestry was not completed. Need declaration with page #5 attached for each of the minors.

26 Reyonna Crouch, Thomas Mannion, & (GUARD/P) Case No. 15CEPR00681**Daniel Mannion-Moberg**

Petitioner Mannion, Emma (Pro Per – Petitioner – Maternal Grandmother)

Petition for Appointment of Guardianship of the Person

Reyonna Age: 15	<u>TEMPORARY EXPIRES 09/14/2015</u>	NEEDS/PROBLEMS/COMMENTS:
Thomas Age: 11	EMMA MANNION , maternal grandmother, is petitioner.	1. According to the Court Investigator's report the Guardian, Emma Mannion, stated she is 1/4 Blackfoot and the mother of the minors' is 1/8th. Therefore, a Notice of Child Custody Proceeding for Indian Child (Form ICWA-030), must be served together with copies of petition and all attachments, including this form, on the child's parent; any Indian custodian; any Indian tribe that may have a connection to the child; the Bureau of Indian Affairs (BIA), and possibly the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested. (Please see Probate Code 1460.2, and CA Rules of Court 7.1015).
Daniel Age: 5		
Cont. from	<u>Please see petition for details</u>	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	n/a	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
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<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 09/09/2015
		Updates:
		Recommendation:
		File 26 – Crouch/Mannion/Moberg

NEEDS/PROBLEMS/COMMENTS continued:

2. Per item 1 above, Petitioner will need to return the completed copy of the *Notice of Child Custody Proceeding for Indian Child* to the probate clerk. The probate clerk will then mail the notice to the required agencies as required.
3. After mailing, per item 2 above, need proof of service of notice, including copies of the notices sent and all return receipts and responses received, pursuant to Probate Code 1460.2(d).

Petition for Appointment of Guardian of the Person

		TEMPORARY EXPIRES 9/14/15	NEEDS/PROBLEMS/COMMENTS:
		GUADALUPE GUTIERREZ, JR., father of 2 of mom's other children, is petitioner.	1. Need Notice of Hearing.
		Please see petition for details.	2. Need proof of personal service of the Notice of Hearing on: a. Matthew G. Messick (father)
Cont. from		Court Investigator Report filed 9/4/15	3. Need proof of service of the Notice of Hearing along with a copy of the petition or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Paternal grandparents b. Maternal grandparents c. Johnathan Crowder (sibling) d. Makayla Gonzalez (sibling) e. Georgina Gonzalez (sibling)
<input type="checkbox"/>	Aff.Sub.Wit.		4. Petition is incomplete it does not state why a guardianship is in the best interest of the minor.
<input type="checkbox"/>	Verified		5. Petition does not include the names and current addresses of the maternal grandparents and the paternal grandparents.
<input checked="" type="checkbox"/>	Inventory		6. UCCJEA is incomplete. Need residence information for 2010 – 12/1/2012. In addition need the name and relationship of the person the minor has been living with from 12/1/12 – 5/28/15.
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
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<input checked="" type="checkbox"/>	Conf. Screen		
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<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 9/9/15
			Updates:
			Recommendation:
			File 27 – Messick

Petitioner Cipriano Manuel Ramirez (Pro Per Petitioner)

Petition for Appointment of Temporary Guardian of the Person

		<u>General Hearing set for 11/3/2015</u>	NEEDS/PROBLEMS/COMMENTS:
		CIPRIANO MANUEL RAMIREZ , former step-father, is Petitioner.	<p>1. <i>If Court does not excuse notice as requested</i>, need proof of five (5) court days' notice by personal service of the Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence for:</p> <ul style="list-style-type: none"> John Wayne Reynolds, father.
		~Please see Petition for details~	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 9/9/15
			Updates:
			Recommendation:
			File 28 – Reynolds

Attorney Miller, James L. (for Petitioner Janeen Langenheim, maternal grandmother)

Petition for Appointment of Temporary Guardian of the Person

		<u>General Hearing set for 11/3/2015</u>	NEEDS/PROBLEMS/COMMENTS:
		JANEEN LANGENHEIM , maternal grandmother, is Petitioner.	1. Item 8 on Page 5 of the <i>Child Information Attachment</i> filed 9/2/2015 is incomplete re: Native American Indian child inquiry and ancestry. This issue should be addressed prior to the hearing on the general guardianship set for 11/3/2015.
		~Please see Petition for details~	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	N/A	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 9/9/15
			Updates:
			Recommendation:
			File 29 – DeLong

Petition for Appointment of Temporary Guardian of the Person